

Case 1:11-bk-00164-JTS Doc 1 Filed 10/21/11 Entered 10/21/11 10:48:33 Desc Main Document Page 1 of 13 <b>United States Bankruptcy Court</b> <b>For the Western District of Wisconsin</b>		<b>Voluntary Petition</b>																					
Name of Debtor (if individual, enter Last, First, Middle): <b>Harry Viner, Inc.</b>		Name of Joint Debtor (Spouse) (Last, First, Middle):																					
All other names used by the Debtor in the last 8 years (Include married, maiden, and trade names):		All other names used by the Joint Debtor in the last 8 years (Include married, maiden, and trade names):																					
Last four digits of Soc. Sec./Complete EIN or other Tax I.D. No. (if more than one, state all): <b>39-1088044</b>		Last four digits of Soc. Sec./Complete EIN or other Tax I.D. No. (if more than one, state all):																					
Street Address of Debtor (No. & Street, City, State & Zip Code): <b>1600 Miller Street La Crosse, WI 54601</b>		Street Address of Joint Debtor (No. & Street, City, State & Zip Code):																					
County of Residence or Principal Place of Business: <b>La Crosse</b>		County of Residence or Principal Place of Business:																					
Mailing Address of Debtor (if different from street address):		Mailing Address of Joint Debtor (if different from street address):																					
Location of Principal Assets of Business Debtor (if different from street address above):																							
<b>Type of Debtor</b> (Form of Organization) (Check one Box) <input type="checkbox"/> Individual (includes Joint Debtor) See Exhibit D on page 2 of this form <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below).		<b>Nature of Business</b> (Check all applicable boxes) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other  <b>Tax Exempt Entity</b> (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 25 of the United States Code (the Internal Revenue Code)																					
<b>Chapter 11 Debtors</b> <b>Check one Box:</b> <input checked="" type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101(51D) Debtor is not a small business defined in 11 U.S.C. § 101(51D) _____ <b>Check if:</b> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,343,300 (amount subject to adjustment on 4/01/13 and every three years thereafter). <u>Check all applicable boxes:</u> <input type="checkbox"/> A Plan is being filed with this Petition. <input type="checkbox"/> Acceptance of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b)		<b>Chapter or Section of Bankruptcy Code Under Which The Petition is Filed</b> (Check one box) Chapter 7 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 15 <input type="checkbox"/> Petition for Recognition of a Foreign Main Proceeding Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding																					
		<b>Nature of Debts</b> (Check one box) <input type="checkbox"/> Debts are primarily consumer debts Defined in 11 U.S. C. § 101(8) as (incurred by an individual primarily for a Personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily Business Debts																					
<b>Filing Fee</b> (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the Court's consideration certifying that the debtor is unable to pay fee except in installments, Rule 1006(b). See Official Form No. 3A. <input type="checkbox"/> Filing Fee waiver requested (Applicable to Chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		THIS SPACE IS FOR COURT USE ONLY																					
<b>Statistical/Administrative Information</b> (Estimates only) <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.																							
Estimated Number of Creditors 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,000-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> Over 100,000 <input checked="" type="checkbox"/>																							
Estimated Assets <table border="1" style="width: 100%; border-collapse: collapse; font-size: small;"> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,001 to \$1 Million</td> <td>\$1,000,001 to \$10 Million</td> <td>\$10,000,001 to \$50 million</td> <td>\$50,000,001 to \$100 million</td> <td>\$100,000,001 to \$500 Million</td> <td>\$500,000,001 to \$1 Billion</td> <td>More than \$1 Billion</td> </tr> <tr> <td></td> <td></td> <td></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>				\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 Million	\$1,000,001 to \$10 Million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 Million	\$500,000,001 to \$1 Billion	More than \$1 Billion				<input checked="" type="checkbox"/>						
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 Million	\$1,000,001 to \$10 Million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 Million	\$500,000,001 to \$1 Billion	More than \$1 Billion														
			<input checked="" type="checkbox"/>																				
Estimated Liabilities <table border="1" style="width: 100%; border-collapse: collapse; font-size: small;"> <tr> <td>\$0 to \$50,000</td> <td>\$50,001 to \$100,000</td> <td>\$100,001 to \$500,000</td> <td>\$500,000.01 to \$1 Million</td> <td>\$1,000,001 to \$10 Million</td> <td>\$10,000,001 to \$50 Million</td> <td>\$50,000,001 to \$100 Million</td> <td>\$100,000,001 to \$500 Million</td> <td>\$500,000,001 to \$1 Billion</td> <td>More than \$1 Billion</td> </tr> <tr> <td></td> <td></td> <td></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,000.01 to \$1 Million	\$1,000,001 to \$10 Million	\$10,000,001 to \$50 Million	\$50,000,001 to \$100 Million	\$100,000,001 to \$500 Million	\$500,000,001 to \$1 Billion	More than \$1 Billion				<input checked="" type="checkbox"/>								
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			<input checked="" type="checkbox"/>																				

**Voluntary Petition**Name of Debtor(s)  
Harry Viner, Inc.

(This page must be completed and filed in every case.)

**Prior Bankruptcy Case Filed Within Last 8 Years** (If more than one, attach additional sheet)

Location where filed: None

Case No:

Date Filed:

**Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor** (If more than one, attach additional sheet)

Name of Debtor: None

Case No:

Date Filed:

District: None

Relationship:

Judge:

**Signatures****Exhibit A**

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under Chapter 11.)

Exhibit A is attached and made a part of this petition.

**Exhibit C**

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

Yes, and Exhibit C is attached and made a part of this petition.

☒ No**Exhibit B**

(To be completed if Debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under Chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each such Chapter. I further certify that I delivered to the debtor the notice required by § 342(b) of the Bankruptcy Code.

s/Galen W. Pittman

Galen W. Pittman, Attorney for Debtors

Date

**Exhibit D**

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

**Information Regarding the Debtor Venue**

(Check any applicable box)

☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this Petition or for a longer part of such 180 days than in any other District.

There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Debtors is a debtor in foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding (in a federal or state court) in this District, or the interests of the parties will be served in regard to the relief sought in this District.

**Statement by a Debtor Who Resides as a Tenant of Residential Property**

Check all applicable boxes.

Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following)

Name of Landlord that obtained Judgment

Address of Landlord

Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and

Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.

Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

Signature(s) of Debtor(s) Individual/Joint

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under Chapter 7] I am aware that I may proceed under Chapter 7, 11, 12 or 13 of Title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under Chapter 7.

I request relief in accordance with the Chapter of Title 11, United State Code, specified in this petition.

Debtor

Debtor

Date

Signature of Attorney

s/Galen W. Pittman

Galen W. Pittman, Attorney for Debtor(s)

Galen W. Pittman, S.C.

300 North Second St., Ste. 210

Post Office Box 668

La Crosse, Wisconsin 54602-0668

(608) 784-0841

Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

s/Laurie A. Alexander

Signature of Authorized Individual

Laurie A. Alexander

Printed Name of Authorized Individual

President

title of Authorized Individual

Date

Signature of a Foreign Representative

I Declare under penalty of perjury that the information provided in this Petition is true and correct, that I am a foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box)

I request relief in accordance with Chapter 15 title 11, United States Code. Certified copies of the documents required by § 1515 of title 11 are attached.

Pursuant to § 1511 of title 11, United States Code, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

(Signature of Foreign Representative)

=Printed Name of foreign Representative

=Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. § 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(H) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19B is attached.

Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

Signature of Bankruptcy Preparer or officer, principal, responsible person, or partner whose social security number if provided above.

Names and Social Security Numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

Signature of Bankruptcy Petition Preparer


Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.

**DECLARATION UNDER PENALTY OF PERJURY  
ON BEHALF OF A CORPORATION OR PARTNERSHIP**

I, Laurie A. Alexander, President named as debtor in this case, declare under penalty of perjury that I have read The foregoing and that is it true and correct to the best of my knowledge and belief.

Dated: 10-21-11

Signature:   
s/Laurie A. Alexander.

Laurie A. Alexander, President  
(Print Name and Title)

United States Bankruptcy Court  
Western District Of Wisconsin

In re: Harry Viner, Inc.

Case No. \_\_\_\_\_

Debtor(s)

Chapter 11

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR**

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept .....\$ Billed at hourly  
rate of \$200.00 per hour

Prior to the filing of this statement I have received ..... \$10,000.00  
Additional \$15,000.00  
to be paid per agreement

Balance Due ..... \$ Will be billed at  
hourly rate of \$200.00 against retainer

2. The source of the compensation paid to me was:

X Debtor \_\_\_\_\_ Other (specify)

3. The source of compensation to be paid to me is:

X Debtor \_\_\_\_\_ Other (specify)

4. X I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

\_\_\_\_\_ I have agreed to share the above-disclosed compensation with another person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation, is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

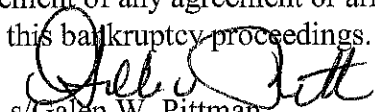
- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
  - b. Preparation and filing of any petition, schedules, statements of affairs and plan, which may be required;
  - c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
  - d. Representation of the debtor in adversary proceedings and other contested bankruptcy matters;
6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:

Any Audit by U.S. Trustee of Means Test.

#### CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceedings.

Oct 21, 2011  
Date

  
s/Galen W. Pittman  
Signature of Attorney

GALEN W. PITTMAN, S.C.  
Name of law firm

IRS  
Patricia Patten  
Stop 5301 MSN, 30 East 7<sup>th</sup> Street  
St. Paul, MN 55101-4940

Wisconsin Department of Revenue  
Post Office Box 8902  
Madison, WI 53708

U. S. TRUSTEE OFFICE  
780 Regent Street  
Suite 304  
Madison, WI 53715

ABC  
Post Office Box 207  
Muscoda, WI 53573

Badger Corrugating Co.  
Post Office Box 1450  
Minneapolis, MN 55485

Braun  
Post Office Box 1450  
Minneapolis, MN 55485

CAT  
Caterpillar Financial  
2120 West End Avenue  
Nashville, TN 37203-534

Consumers Coop  
Post Office Box 533  
Richland Center, WI 53581

County Materials  
Post Office Box 100  
Marathon, WI 54448

CVT  
1410 7<sup>th</sup> Street NW  
Rochester, MN 55901

David Carl Viner  
2418 13<sup>th</sup> Street South  
La Crosse, WI 54601

Degenhart Tire  
615 West Garland  
West Salem, WI 54669

ESS  
9350 County Rd. 19  
Comcoran Loretto, MN 55357

Fabco  
Post Office Box 259040  
Madison, WI 53725

Farrell  
1510 N. Hastings Way  
Eau Claire, WI 54703

G & K  
N51 W13915 North Park Drive  
Menomonee Falls, WI 53051

Good Year  
Post Office Box 25084  
Lehigh Valley, PA 18002

Hawk Island  
N 4405 Scantleton Road  
Black River Falls, WI 54615

Hawkins Ash & Baptie  
Post Office Box 1508  
La Crosse, WI 54601

Joe Harter & Son  
467 West Avenue North  
West Salem, WI 54669

Kwik Trip  
Post Office Box 1597  
La Crosse, WI 54602



La Crosse County Solid Waste  
6500 State Rd. 16  
La Crosse, WI 54601

La Crosse Seed  
Post Office Box 995  
La Crosse, WI 54602

Mathy Construction Company  
920 10<sup>th</sup> Avenue North  
Onalaska, WI 54650

Mississippi Valley Equip.  
2819 Larson Street  
La Crosse, WI 54603

Overhead Door  
W 6797 Abbey Road  
Onalaska, WI 54650

Randy Viner  
W5185 Keil Coulee Rd.  
La Crosse, WI 54601

The Home Steaders Store  
26425 Hwy. 14 E  
Richland Center, WI 53581

The Kraemer Co.  
Post Office Box 235  
Plain, WI 53577

Thill Track & Tractor  
W 5010 State Road 85  
Eau Claire, WI 54701

Titan  
North 1626 Wuensch Road  
La Crosse, WI 54601

Tom Kieffer  
Hale Skemp  
505 King Street, Ste. 300  
Post Office Box 1927  
La Crosse, WI 54602-1147

Tom Viner  
2811 Bayshore Dr.  
La Crosse, WI 54601

Xcel  
Post Office Box 9477  
Minneapolis, MN 55484

Wisconsin Laborers Health Fund, Wisconsin  
Laborers Pension Fund, Wis. Laborers  
Apprentice and Training Fund, and John J.  
Schmitt, Wis. Laborers District Council  
c/o Christopher J. Ahrens, Esq.  
1555 North RiverCenter Dr., Ste. 202  
Milwaukee, WI 53212

Wisconsin Laborers Health Fund, Wisconsin  
Laborers Pension Fund, Wis. Laborers  
Apprentice and Training Fund,, LECET and  
Wis. Laborers District Council  
John Schmitt, President,  
c/o Christopher J. Ahrens, Esq.  
1555 North RiverCenter Dr., Ste. 202  
Milwaukee, WI 53212

**LIST OF 20 LARGEST  
UNSECURED CREDITORS  
HARRY VINER, INC.**

1.	Tom Viner 2811 Bayshore Dr. La Crosse, WI 54601	\$407,849.34
2.	Randy Viner W5185 Keil Coulee Rd. La Crosse, WI 54601	Est. \$400,000.00
3.	David Carl Viner 2418 13 <sup>th</sup> Street South La Crosse, WI 54601	Est. \$366,162.42
4.	The Kraemer Co. Post Office Box 235 Plain, WI 53577	\$180,117.00
5.	La Crosse County Solid Waste 6500 State Rd. 16 La Crosse, WI 54601	\$120,413.93
6.	Wisconsin Laborers Health Fund, Wisconsin Laborers Pension Fund, Wis. Laborers Apprentice and Training Fund,, LECET and Wis. Laborers District Council John Schmitt, President, c/o Christopher J. Ahrens, Esq. 1555 North RiverCenter Dr., Ste. 202 Milwaukee, WI 53212	\$104,996.43
7.	County Materials Post Office Box 100 Marathon, WI 54448	\$39,000.00
8.	Fabco Post Office Box 259040 Madison, WI 53725	\$23,941.54
9.	Consumers Coop Post Office Box 533 Richland Center, WI 53581	\$22,571.74

10.	Titan North 1626 Wuensch Road La Crosse, WI 54601	\$12,854.14
11.	Hawkins Ash & Baptie Post Office Box 1508 La Crosse, WI 54601	\$10,587.75
12.	Good Year Post Office Box 25084 Lehigh Valley, PA 18002	\$7,761.18
13.	Kwik Trip Post Office Box 1597 La Crosse, WI 54602	\$6,983.47
14.	La Crosse Seed Post Office Box 995 La Crosse, WI 54602	\$6,440.08
15.	CVT 1410 7 <sup>th</sup> Street NW Rochester, MN 55901	\$4,506.00
16.	Braun Post Office Box 1450 Minneapolis, MN 55485	\$4,016.25
17.	Farrell 1510 N. Hastings Way Eau Claire, WI 54703	\$3,700.00
18.	ESS 9350 County Rd. 19 Comcoran Loretto, MN 55357	\$2,908.64
19.	Joe Harter & Son 467 West Avenue North West Salem, WI 54669	\$2,306.25
20.	Overhead Door W 6797 Abbey Road Onalaska, WI 54650	\$1,870.50

20.	Mississippi Valley Equip. 2819 Larson Street La Crosse, WI 54603	\$1,461.80
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